

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

THE UNITED STATES OF AMERICA,

Plaintiff,

-vs-

D-1 ALLEN J. BROOKS, and
D-2 TIMOTHY R. CAIRD, JR.

Case: 2:22-cr-20019
Judge: Goldsmith, Mark A.
MJ: Stafford, Elizabeth A.
Filed: 01-12-2022 At 03:37 PM
INDI SEALED MATTER (SS)

Defendants.

I N D I C T M E N T

THE GRAND JURY CHARGES:

GENERAL ALLEGATIONS

At all times relevant to this Indictment:

1. Majic Windows, Inc. (Majic Windows) was a company located in the Eastern District of Michigan that sold replacement windows, siding, roofing, gutters, and other home improvement items. Many of the products sold by Majic Windows were installed and serviced by independent contractors.

2. Majic Windows maintained an account ending in #0077 at a Comerica Bank branch located in the Eastern District of Michigan.
3. Defendant **ALLEN J. BROOKS** was the manager of Majic Windows. Among other things, defendant **ALLEN J. BROOKS** was responsible for reviewing and, when appropriate, approving invoices submitted by independent contractors who provided installation and warranty services for Majic Windows.
4. Defendant **ALLEN J. BROOKS** maintained accounts at Comerica Bank ending in #4968 (savings account) and #7077 (checking account).
5. Defendant **ALLEN J. BROOKS** maintained American Express credit accounts ending in #1007 and #1000.
6. At various times, defendant **ALLEN J. BROOKS** maintained Visa credit accounts, ending in #7162, #9644, #6808, and #6061.
7. Defendant **TIMOTHY R. CAIRD, JR.** owned Next Level Installations, L.L.C. (Next Level), also known as Next Level Installs, a company that installed and serviced products sold by Majic.
8. Next Level maintained a Charter One Bank/Citizens Bank

account ending in #2236, and a Comerica Bank account ending in #8585.

9. Charter One Bank/Citizens Bank and Comerica Bank were financial institutions as defined by Title 18, United States Code, Section

SPECIFIC ALLEGATIONS

10. Beginning in January 2014, or earlier, and continuing up to and including January 2017, in the Eastern District of Michigan, ALLEN J. BROOKS, and TIMOTHY R. CAIRD, JR., defendants herein, combined, conspired, confederated, and agreed with each other to engage in a scheme to defraud Majic Windows, and obtain money and property by means of materially false and fraudulent pretenses, representations, and promises.

11. As a part of the scheme to defraud, defendant TIMOTHY R. CAIRD, JR., the owner of Next Level, knowingly submitted false and fraudulent invoices to Majic Windows for the purpose of obtaining funds to which he was not entitled, that is:

a. Defendant TIMOTHY R. CAIRD, JR. submitted invoices for siding installation that included expenses for materials and labor.

In truth, and as defendant TIMOTHY R. CAIRD, JR. well knew, Majic paid materials expenses.

b. Defendant TIMOTHY R. CAIRD, JR. submitted false and fraudulent invoices for warranty and repair services.

Acknowledgements, purportedly signed by the homeowners, stating that the work had been completed, were often attached to the invoices. In truth, Next Level did not perform the warranty services and the alleged signatures the of the purported homeowners were false.

12. Defendant ALLEN J. BROOKS authorized payment to Next Level, knowing that the invoices submitted by defendant TIMOTHY R. CAIRD, JR. were false and fraudulent.

13. Majic Windows employees prepared checks to Next Level in amounts approved by defendant ALLEN J. BROOKS. Defendant ALLEN J. BROOKS signed the checks as the authorized payor for Majic. Checks were then issued to Next Level.

14. Defendant TIMOTHY R. CAIRD, JR. cashed the checks, causing funds to be transferred from the Majic Windows account at Comerica

Bank to Next Level accounts at CharterBank/Citizens Bank and Comerica Bank. The transfer of funds occurred electronically, by means of wire communications in interstate commerce, from and to accounts in the Eastern District of Michigan via servers and computers located outside of the State of Michigan.

15. Defendant TIMOTHY R. CAIRD, JR. shared the proceeds of the scheme with defendant ALLEN J. BROOKS by providing BROOKS with cash, issuing checks to BROOKS, and by making payments and causing payments to be made to the American Express and Visa accounts of BROOKS. The transfer of funds to the American Express and Visa accounts occurred electronically, by means of wire communications in interstate commerce, from accounts in the Eastern District of Michigan to American Express and Visa at locations located outside of the State of Michigan.

COUNT ONE
18 U.S.C. §§ 1343 & 1349 -
Conspiracy to Commit Wire Fraud

D-1 ALLEN J. BROOKS, and
D-2 TIMOTHY R. CAIRD, JR.

16. The GENERAL ALLEGATIONS and SPECIFIC ALLEGATIONS are included in this Count.

17. Beginning in or before January 2014, and continuing up to and through January 2017, in the Eastern District of Michigan, Southern Division, defendants ALLEN J. BROOKS, and TIMOTHY R. CAIRD, JR. willfully combined, conspired, confederated, and agreed with each other to commit the crime of wire fraud, by knowingly executing and attempting to execute a scheme to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises. In executing the scheme to defraud, and to accomplish the objectives of the conspiracy, defendants ALLEN J. BROOKS, and TIMOTHY R. CAIRD, JR. transmitted and caused the transmission of certain writings, signs, signals, pictures, and sounds by

wire communications in interstate commerce to and from the Eastern District of Michigan.

18. All in violation of Title 18, United States Code, Sections 1343 and 1349.

COUNTS TWO to FOUR
18 U.S.C. § 1343 - Wire Fraud

D-1 ALLEN J. BROOKS, and
D-2 TIMOTHY R. CAIRD, JR.

19. The GENERAL ALLEGATIONS and SPECIFIC ALLEGATIONS are included in these Counts.

20. In or about January 2017, in the Eastern District of Michigan, defendants ALLEN J. BROOKS, and TIMOTHY R. CAIRD, JR. devised and intended to devise a scheme to defraud Majic Windows, Inc., and to obtain money and property by means of materially false and fraudulent pretenses, representations and promises. It was a part of the scheme that defendant TIMOTHY R. CAIRD, JR. submitted invoices to Majic Windows on or about January 6, 11, 12, 20, and 24, 2017, that included false and fraudulent charges for warranty and repair services.

Defendant ALLEN J. BROOKS approved payment of the invoices,

knowing that they contained false and fraudulent charges, causing Majic Window to issue payment to Next Level. Defendant TIMOTHY R. CAIRD, JR. then deposited the checks into the Next Level account ending in #8585 at Comerica Bank in the Eastern District of Michigan. Thereafter, defendants ALLEN J. BROOKS and TIMOTHY R. CAIRD, JR. shared the proceeds of the scheme by transferring and causing the electronic transfer of funds in interstate commerce from the Next Level account ending in #8585 at Comerica Bank in the Eastern District of Michigan to Visa and American Express (AmEx) accounts of defendant ALLEN J. BROOKS, as identified below, at locations outside of the State of Michigan. Each electronic transfer of funds, occurring on or about the dates identified below, represents a separate Count of this Indictment.

Count	Date of Wire Transfer	Receiving Account, Ending in #	Amount
2.	01-13-2017	AmEx #1000	\$3,335.00
3.	01-21-2017	Visa #6061	\$2,662.00
4.	01-25-2017	AmEx #1000	\$1,931.00

Each in violation of Title 18, United States Code, Section 1343.

47928

FORFEITURE ALLEGATION

18 U.S.C. § 981(a)(1)(C), 28 U.S.C. § 2461(c)

CRIMINAL FORFEITURE

The allegations contained in Counts One, Two, three and Four of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

Upon conviction of the offenses in violation of Title 18, United States Code, Sections 1343 and 1349 set forth in Counts One, Two, Three and Four of this Indictment, the defendants, ALLEN J. BROOKS and TIMOTHY R. CAIRD, JR., shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offense. As part of the forfeiture in this case, the United States intends to seek a forfeiture money judgment for the total amount of proceeds that defendants obtained as a result of their violations of Counts One, Two, Three, and Four.

If any of the property described above, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall seek forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

THIS IS A TRUE BILL.

/s/ Grand Jury Foreperson
Grand Jury Foreperson

DAWN N. ISON
United States Attorney

/s/ John K. Neal
John K. Neal
Chief, White Collar Crimes Unit

/s/ Stanley J. Janice
Stanley J. Janice
Assistant United States Attorney
211 W. Fort, Suite 2001
Detroit, MI 48226
Tel: 313.226.9740
Email: lee.janice@usdoj.gov

1-12-22

ORIGINIAL

United States District Court
Eastern District of Michigan**Criminal Case Cov**Case: 2:22-cr-20019
Judge: Goldsmith, Mark A.
MJ: Stafford, Elizabeth A.
Filed: 01-12-2022 At 03:37 PM
INDI SEALED MATTER (SS)

NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to com

Companion Case Information		Companion Case Number:
This may be a companion case based upon LCrR 57.10 (b)(4) ¹ :		Judge Assigned:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		AUSA's Initials: 

Case Title: USA v. D-1 Allen J. Brooks and D-2 Timothy R. Caird, Jr.**County where offense occurred :** Monroe**Check One:** **Felony** **Misdemeanor** **Petty**

Indictment/____ Information --- no prior complaint.
 Indictment/____ Information --- based upon prior complaint [Case number: ____]
 Indictment/____ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].

Superseding Case Information

Superseding to Case No: _____ Judge: _____

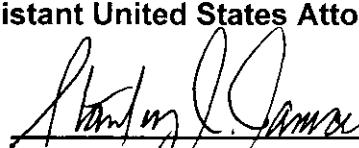
Corrects errors; no additional charges or defendants.
 Involves, for plea purposes, different charges or adds counts.
 Embraces same subject matter but adds the additional defendants or charges below:

<u>Defendant name</u>	<u>Charges</u>	<u>Prior Complaint (if applicable)</u>
-----------------------	----------------	--

Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

January 12, 2022

Date



Stanley J. Janice
 Assistant United States Attorney
 211 W. Fort Street, Suite 2001
 Detroit, MI 48226-3277
 Phone: (313) 226-9740
 Fax: (313) 226-2873
 E-Mail address: Lee.Janice@usdoj.gov
 Attorney Bar #: P25999

¹ Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, or (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.